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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR  | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|-----------------------|---------------------|------------------|
| 10/616,209      | 07/08/2003  | Geoffrey S.M. Hedrick | 3190-55             | 1735             |

7590 03/07/2005

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| EXAMINER |
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LOUIS JACQUES, JACQUES H

| ART UNIT | PAPER NUMBER |
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3661

DATE MAILED: 03/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/616,209

Applicant(s)

HEDRICK, GEOFFREY S.M.

Examiner

Jacques H Louis-Jacques

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2,3,5,6,8,10-12,15,16,18 and 20-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2,3,5,6,8,10-12,15,16,18 and 20-27 is/are allowed.
- 6) ☒ Claim(s) 28-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 28-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art in view of Volkel [6,654,024] and Weindorf et al [6,507,286].

The prior art, as recognized by Applicant, described a method and system for presenting or displaying a variety of aircraft status, control, flight and situation awareness on a single flat panel display (FPD) in an aircraft, which permits more and more data to be placed directly in front of aircraft pilots, thereby making all such data concurrently available for immediate viewing by the flight crew. However, as noted by Applicant, the prior art fails to display the different data based on their priority (or level of importance) by presenting primary (most important) data with a brightness level, which is different, or (less) than a brightness level for secondary (less important) data. Volkel, dealing with the same problem Applicant is solving, on the other hand, discloses a method for displaying primary and secondary information by reproducing symbols on a display, the symbols are shown with different brightnesses (brightness levels) according to their importance. According to Volkel, the brightness level is changed as the importance of the changes, i.e., based on a condition that requires a user's attention. See abstract, column 1. The information, according to Volkel are displayed with different brightness levels based on

their importance (priority) so that a user can clearly see the priority of an item of information from the type of representation. However, none of the above references particularly teaches the automatic control of the brightness based on environmental conditions.

Weindorf et al '286, on the other hand, discloses a luminance control of automotive displays using an ambient light sensor. According to Weindorf et al, the brightness level of the display is automatically changed (i.e., varied) based on a sensed changeable predefined environmental condition to facilitate ease of viewing of a data (information) with the predefined environmental condition (e.g., ambient light). See abstract, figures 1-4 and columns 1-5. Thus, it would have been obvious to one skilled in the art at the time of the invention to be motivated to modify the above combination by incorporating the automatic brightness control based on ambient conditions from the luminance control of Weindorf et al because such modification, as suggested by Weindorf et al, would prevent undesirable changes in the brightness level of the display (columns 4 and 5).

3. Claims 28-33 are also rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art in view of Futschik et al [5,673,987] and Weindorf et al [6,507,286]..

As noted above, the admitted prior art discloses the limitations thereof. However, However, as noted by Applicant, the prior art fails to display the different data based on their priority (or level of importance) by presenting primary (most important) data with a brightness level that is different or (less) than a brightness level for secondary (less

important) data. Futschik et al, relating to the same problem Applicant is attempting to solve, discloses a combination display unit and display method for a vehicle having primary display element and secondary display element indicting various regularly-detected operating parameters. The primary parameters (data), according to Futschik et al, are illuminated with a brightness level that that is different (higher) than the brightness level for the secondary data. When a critical operating parameter value for the secondary data is reached, however, the brightness level for that secondary data is changed, i.e., increased (abstract, columns 1 and 2). See also columns 3-4. According to Futschik et al, the condition is an abnormal (critical) condition for the secondary data. Also, the secondary data has a value comprising a predetermined alarm condition, i.e., a signal issued in critical cases (column 1). The system of Futschik et al allows the most important information to be displayed to the user without being distracted by other displayed data. However, none of the above references particularly teaches the automatic control of the brightness based on environmental conditions.

Weindorf et al '286, on the other hand, discloses a luminance control of automotive displays using an ambient light sensor. According to Weindorf et al, the brightness level of the display is automatically changed (i.e., varied) based on a sensed changeable predefined environmental condition to facilitate ease of viewing of a data (information) with the predefined environmental condition (e.g., ambient light). See abstract, figures 1-4 and columns 1-5. Thus, it would have been obvious to one skilled in the art at the time of the invention to be motivated to modify the above combination by incorporating the automatic brightness control based on ambient conditions from the luminance control of

Weindorf et al because such modification, as suggested by Weindorf et al, would prevent undesirable changes in the brightness level of the display (columns 4 and 5).

***Allowable Subject Matter***

4. Claims 2-3, 5-6, 8, 10-12, 15-16, 18, and 20-27 are allowed.

***Response to Amendment***

5. The amendments along with the arguments filed therewith on December 16, 2004 have been entered and carefully considered by the examiner.

In particular, Applicant has amended claims 2-3, 5-6, 8, 10-12, 15-16, 18, 20-21, canceled claims 1, 4, 7, 9, 13, 14, 17, 19, and added new claims 22-33.

With respect to new claims 28-33, Applicant contended that each of the independent claims 28 and 31 "includes the step of *"dynamically varying the first brightness level automatically in accordance with a sensed changeable predefined environmental condition* to define a primary data display brightness level at which the primary data is dynamically displayed to facilitate ease of viewing of the presented data with said predefined environmental condition. . . ." See response at page 17. Then, on page 18 of the response, Applicant asserted that "each of these cited references [Volkel '024' and Futschik et al '987], either individually or in combination with any known prior art, fail to teach the step of *"dynamically varying the first brightness level automatically in accordance with a sensed changeable predefined environmental condition* to define a primary data display brightness level at which the primary data is dynamically displayed

to facilitate ease of viewing of the presented data with said predefined environmental condition. . . ." Emphasis added. The examiner disagrees.

Weindorf et al, US Patent 6,507,286, discloses a luminance control of automotive displays using an ambient light sensor. According to Weindorf et al, the brightness level of the display is automatically changed (i.e., varied) based on a sensed changeable predefined environmental condition to facilitate ease of viewing of a data (information) with the predefined environmental condition (e.g., ambient light). See abstract, figures 1-4 and columns 1-5.

Also, each of the below cited references discloses this feature added and argued by Applicant.

In light of the foregoing, the newly added claims 28-33 are currently rejected. Since this rejection is necessitated by the amendment, this office action is made final.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent No. **5,319,553** to Gregg et al discloses a lighting strike detection and mapping system with auto control of mapping display, wherein a processor controls the brightness of a display in response to change in ambient (environmental) conditions.

US Patent No. **5,327,344** to Hoffman et al discloses a method and apparatus for reconfiguring a computerized monitoring system, wherein the illumination (brightness) of the display is controlled based on ambient light (conditions).

US Patent No. **6,078,302** to Suzuki discloses a screen brightness control based on ambient condition.

US Patent No. **6,483,245** to Weindorf et al discloses an automatic brightness control using a variable time constant filter

US Patent No. **6,259,981** to Wilcosky discloses a caution/warning system for displaying system malfunctions/faults in a nighttime viewing mode.

US Patent No. **6,700,692** to Tonar et al discloses an electrochromic rearview mirror assembly incorporating a display/signal light, wherein the brightness of the display is controlled in accordance with ambient conditions.

US Patent application publication **US 2003/0103141** to Bechtel et al discloses a vehicle vision system that controls the brightness of a display based on ambient light sensor.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,



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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

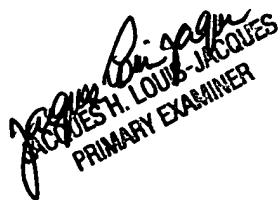
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacques H Louis-Jacques whose telephone number is 703-305-9757. The examiner can normally be reached on M-Th 6:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on 703-305-8233. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jacques H Louis-Jacques  
Primary Examiner  
Art Unit 3661

/jlj

  
JACQUES H. LOUIS-JACQUES  
PRIMARY EXAMINER